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GOVERNMENT GAZETTE

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SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/2785/67

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Entertainment Tax
(Amendment) Bill, 1967

(Bill No. 4 of 1967)

A Bill to amend the Goa, Daman and Diu Entertainment Tax Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Eighteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Goa, Daman and Diu Entertainment Tax (Amendment) Act, 1967.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Amendment of Section 2.

2. In Section 2 of the Goa, Daman and Diu Entertainment Tax Act, 1964 (hereinafter referred to as the «principal Act»), after clause (h), the following clause shall be added, namely:—

“(i) “tax” or “entertainment tax” means the tax leviable under section 3”.

Amendment of Section 3.

3. In Section 3 of the principal Act,—

(1) for sub-section (1) the following sub-section shall be substituted, namely:—

“(1)(a) There shall be levied and paid to the Government on all payments for admission to any entertainment other than a game or sport or drama or other theatrical performances, a tax at the following rates:—

- | | |
|--|-------------------------------|
| (i) on payment for admission not exceeding 50 paise | Nil |
| (ii) on payments for admission exceeding 50 paise but not exceeding Rs. 1.50 | 25% of the total amount paid. |
| (iii) on payments for admission exceeding Rs. 1.50 | 30% of the total amount paid. |

(b) Where the entertainment is derived from a game or sport or other theatrical performance other

than a drama, entertainment tax shall be paid as aforesaid at the following rates:—

- | | |
|---|--------------------------------|
| (i) on payments for admission exceeding 50 paise but not exceeding Rs. 1.50 | 10% of the total amount paid. |
| (ii) on payments for admission exceeding Rs. 1.50 | 15% of the total amount paid". |

(2) in sub-section (2), for the words "naya paisa" the word "paisa" and for the words "half-a-naya paisa" where they occur, the words "half-a-paisa" shall be substituted.

Insertion of new Section 3A.

4. After section 3 of the principal Act, the following section shall be inserted, namely:—

"3A. Commissioner to decide whether an entertainment is a game or sport or drama or theatrical performance".

(1) If any question arises whether an entertainment is a game or sport or drama or other theatrical performance, the Commissioner shall decide the question after making such inquiry as he deems fit.

(2) Any person aggrieved by the decision of the Commissioner may prefer an appeal to the Government within such time and in such manner and on payment of such fee as may be prescribed and the decision of the Government on such appeal shall be final".

Amendment of Section 5.

5. In sub-section (1) of Section 5 of the principal Act,—

- (i) in clause (b) the word "or" occurring at the end shall be omitted; and
- (ii) clause (c) shall be omitted.

Amendment of Section 14.

6. In Section 14 of the principal Act for the existing sub-section (4) the following sub-section shall be substituted, namely:—

"(4) All such rules shall be subject to the condition of previous publication in the Official Gazette and all such rules shall be laid on the table of the Legislative Assembly after they are made and shall be subject to such modifications as the Assembly may make during the Session in which they are so laid or the Session immediately following".

Financial memorandum

No special financial commitments are involved in the proposed amendments of the Bill. The officers and staff of the collection of the tax will be mostly those doing that work now. The extra income estimated is Rs. 2 lakhs which is more than 75% of the existing estimate viz. 2½ lakhs.

Statement of objects and reasons

The need for augmenting the revenue resources specially in fields not affecting the prime necessities of life needs no emphasis. The Entertainment

Tax structure of this Administration had been reviewed with this objective in view. The revision of the Entertainment Tax rates proposed is modest.

A suitable provision has been made empowering the Government to give final decision on the appeal filed to the latter by any aggrieved party against the decision of Commissioner in respect of classification of the nature of entertainment.

The first Report of the Committee on delegated legislation of the Legislative Assembly of Goa, Daman and Diu had recommended a provision in the enactments making it obligatory for the rules made under them be laid before the Assembly to empower it to make modifications in the Rules during the session in which they are so laid or the session immediately following. In accordance with this recommendation, a suitable provision is made through this amending Bill to the Entertainment Tax Act, 1964, in substitution of the existing one, which does not meet the necessary requirements.

The Administrator has recommended the introduction and consideration of the Bill under Section 23 of the Government of Union Territories Act 1963.

Panaji,
December 1, 1967

D. B. BANDODKAR
Chief Minister

ASSEMBLY HALL
Panaji,
December 5, 1967

R. L. SEGEL
Secretary to the Legislative Assembly
of Goa, Daman and Diu.

LA/2797/67

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu (Extension of the Provincial Insolvency Act) Bill, 1967

(Bill No. 5 of 1967)

A Bill to provide for the extension of the Provincial Insolvency Act, 1920, to the Union Territory of Goa, Daman and Diu, and for certain other matters.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Eighteenth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Goa, Daman and Diu (Extension of the Provincial Insolvency Act) Act, 1967.

(2) It shall come into force on such date as the Government of Goa, Daman and Diu may, by notification in the Official Gazette, appoint.

2. **Extension and amendment of Provincial Insolvency Act, 1920.**— (1) The Provincial Insolvency Act, 1920 as in force on the date of commencement of this Act in the Territories to which it generally extends (hereinafter referred to as the «said Act») is hereby extended to, and

Central Act
5 of 1920

shall be in force in the Union Territory of Goa, Daman and Diu, hereinafter referred to as the said territory.

(2) On the commencement of this Act, the said Act shall stand amended as specified in section 3.

3. Amendment of Central Act 5 of 1920.—In the said Act,—

(1) in section 2, in sub-section (1),—

- (i) in clause (e), the word “and” occurring at the end shall be omitted;
- (ii) after clause (e), the following clause shall be inserted, namely;

“(ee) “State Government” in relation to the Union territory of Goa, Daman and Diu means the administrator thereof; and”;

(2) for the words “High Court” (whether in the singular or in the plural), wherever they occur, the words “Judicial Commissioner’s Court” shall be substituted;

(3) in section 6,—

- (i) in clause (g), the word “or” occurring at the end shall be omitted;
- (ii) in clause (h), the word “or” shall be inserted at the end;
- (iii) after clause (h), the following clause shall be inserted, namely:—

“(i) if, after a creditor has served an insolvency notice on him in respect of a decree or an order for the payment of any amount due to such creditor, the execution of which is not stayed, he does not, within the period specified in the notice (which shall not be less than one month) comply with the requirements of the notice:

Provided that the debtor shall not be deemed to have committed an act of insolvency for not complying with the requirements of the notice, if he has a counter-claim or set-off which equals or exceeds the decretal amount or the amount ordered to be paid by him and which he could not lawfully set up in the suit or proceeding in which the decree or order was made against him”;

4. After section 6, in the said Act the following section shall be inserted, namely:—

“Insolvency notice — 6A (1) An insolvency notice under this Act shall be in the prescribed form and shall be served in the prescribed manner.

(2) The said notice shall require the debtor to pay the amount due under the decree or order or to furnish security for the payment of such amount to the satisfaction of the creditor or his agent, and shall also state the consequences of non-compliance with the notice.

(3) The insolvency notice shall not be invalidated by reason only that the sum shown therein as the amount due to the creditor exceeds the amount actually due, unless the debtor, within the time allowed for payment, gives notice to the creditor that he disputes the validity of the insolvency notice on the ground of such mis-statement; but where the debtor does not give a notice as aforesaid he shall

be deemed to have complied with the insolvency notice if within the time allowed, he takes steps as would have constituted a compliance with the notice had the actual amount due been correctly shown therein.”;

(5) in section 79, in sub-section (2),—

- (i) in clause (d), the word “and” occurring at the end shall be omitted;
- (ii) after clause (d), the following clause shall be inserted, namely:—

“(dd) the form of the insolvency notice and the manner in which it may be served, and”;

(6) section 83 of the said Act shall be omitted.

4. Repeal and saving.—On and from the date on which the provisions of the said Act come into force in the said territory, the corresponding provisions of any law in force in the said territory shall stand repealed:

Provided that the repeal shall not affect—

- (a) the previous operation of the provisions so repealed or anything duly done or suffered thereunder,
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions so repealed,
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the provisions so repealed, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said provisions had not been repealed:

Provided further that, subject to the proceeding proviso, anything done or any action taken (including any appointment made, notification issued or rule framed) under the provisions so repealed shall be deemed to have been done or taken under the corresponding provisions of the said Act as amended by this Act and now extended to the said territory and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act as amended by this Act.

5. Rules of construction.—(1) In the said Act, any reference to any provision of law not in force, or to any functionary not in existence, in the said territory shall be construed as a reference to the corresponding law in force or to the corresponding functionary in existence, in the said territory:

Provided that—

- (i) if any question arises as to who that corresponding functionary is, or
- (ii) if there is no such corresponding functionary,

the Lieutenant-Governor of Goa, Daman and Diu shall decide as to who is or will be such functionary and his decision shall be final.

(2) For the purpose of facilitating the application of the said Act in relation to the said territory, any court or other authority may construe it in such manner not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

Statement of objects and reasons

With the extension of the Indian Civil Procedure Code and the Arbitration Act to this Union Territory during the year 1966 the process of the integration of the legal system of Goa, Daman and Diu with the rest of the country is almost complete. However, on one important point which is of significance to the Commercial Community i. e. the law of insolvency integration has not yet taken place.

In so far as the law of insolvency is concerned we are still governed by the pre-liberation law. This bill is therefore introduced to extend the Provincial Insolvency Act, 1920 to this Union Territory. The Bill also incorporates a provision on the lines of the erstwhile Bombay amendment to the Provincial Insolvency Act to provide for the taking out of a notice of insolvency by which in the event of a decree remaining unsatisfied without proper jurisdiction, the decree holder can issue a notice and thereafter take steps to have the Judgement debtor adjudicated as an insolvent. The incorporation of this provision is in pursuance of the recommendation of the Central Law Commission.

The Administrator has recommended the introduction and consideration of the Bill under section 23 of the Government of Union Territories Act 1963.

Panaji,
December 4, 1967

ANTHONY D' SOUZA
Minister for Law

ASSEMBLY HALL
Panaji,
December 6, 1967

R. L. SEGEL
Secretary to the Legislative Assembly
of Goa, Daman and Diu.

LA/2799/67

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Indian Registration (Goa, Daman and Diu Amendment) Bill, 1967

(Bill No. 6 of 1967)

A Bill to amend the Indian Registration Act, 1908, in its application to the Union Territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Eighteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Indian Registration (Goa, Daman and Diu Amendment) Act, 1967.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government of Goa, Daman and Diu may, by notification in the Official Gazette, appoint.

2. Amendment of section 2 of the Indian Registration Act, 1908 (Central Act 16 of 1908).—In section 2 of the Indian Registration Act, 1908 (hereinafter referred to as the principal Act), in clause (1), before the words "his father's name", the word "his marital status, and" shall be inserted.

3. Amendment of section 83.—In section 83 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) No prosecution for any offence under this Act shall be commenced save by or with the permission of the Inspector General or any officer empowered in this behalf by the Government".

4. Amendment of section 90.—In section 90 of the principal Act, in sub-section (1), in sub-clause (d), for the words "grants or assignments by Government of land or of any interest in land", the words "grants, assignments or leases by Government of immovable property or of any interest in immovable property" shall be substituted.

Memorandum regarding delegated legislation

New Sub-section (1) to section 83 which clause 3 of the bill seeks to substitute for the existing sub-section (1) of section 83 of the Indian Registration Act, 1968, empowers the Inspector General of Registration or any other officer authorised in this behalf by the Government to grant permission to institute prosecutions for offences under the Registration Act so as to prevent unnecessary harassment of parties. The delegation of legislative power is of a normal character.

Statement of objects and reasons

Experience of the working of the Indian Registration Act, 1908 in this Union Territory during the last 2 years indicates that certain amendments in the law are necessary. The term «addition» which is defined in section 2(1) of the Act means the place of residence, profession and father's name of the party. In view of the system of community of property consequent on marriage which obtains in this Territory, it is necessary to know whether a party is married or is a single individual. Our Registration Rules had defined the term «addition» so as to include the marital status of the person but it is wider than is authorised by the Act. Hence it is proposed to amend section 2(1) of the Act so as to include the marital status of the person.

There is a difference of opinion among the Courts as to whether private criminal prosecutions for offences under the Registration Act can be instituted. The Satalvad Commission in its report on the Registration Act (sixth report) has recommended that private prosecutions should be barred. It is therefore proposed to amend section 83 to this effect so as to prevent unnecessary harassment of parties.

The exemptions conferred by Section 90(1) of the Registration Act do not cover leases by Government of immovable property. To remove this lacuna it is proposed to amend section 90(1) so that leases

by Government of immovable property would be exempted from the operation of the provisions of the Act.

The Administrator has recommended the introduction and consideration of the Bill under section 23 of the Government of the Union Territories Act 1963.

Panaji,
4th December, 1967

ANTHONY D'SOUZA
Minister for Law

ASSEMBLY HALL
Panaji,
December 6th, 1967

R. L. SEGEL
Secretary to the Legislative Assembly
of Goa, Daman and Diu

LA/2801/67

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly (Amendment) Bill, 1967

(Bill No. 7 of 1967)

A Bill further to amend the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Eighteenth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly (Amendment) Act, 1967.

(2) It shall be deemed to have come into force on the 1st day of April, 1964.

2. **Amendment of section 2.**—In the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly Act, 1964 (hereinafter referred to as the principal Act), in section 2, in sub-clause (i) of clause (g), after the words "the date on which the Assembly", the words "is prorogued or" shall be inserted.

3. **Amendment of section 5.**—In section 5 of the principal Act, in sub-section (1), the following shall be added at the end, namely:—

"and shall also be entitled to an advance of travelling allowance when proceeding on tour outside the district of Goa in connection with his duties as a member on the same terms and conditions as are applicable to the grant of an advance to the First Grade Officer aforesaid in connection with a tour".

4. **Amendment of paragraph 3 of the First Schedule.**—In sub-paragraph (4) of paragraph 3 of the First Schedule of the principal Act, after the words "interval between the", the words "prorogation of the Assembly or" shall be inserted.

Financial memorandum

At the present moment, Members of the Legislative Assembly are entitled to Daily Allowance for the period of their residence on duty, which term has been defined to include a period not exceeding 3 days immediately succeeding the date on which the Assembly adjourned sine-die, apart from a period of not exceeding 3 days prior to the commencement of the Assembly Session.

2. No Daily Allowance, however, is payable in the event of the Assembly being prorogued. The Act seeks to amend the definition of the period of residence on duty so as to entitle the Members to Daily Allowance for a period not exceeding 3 days from the prorogation of the Assembly.

3. If it is assumed that the Assembly is prorogued on 3 occasions in a year, this would entail an extra expenditure of Rs. 3,500/- per annum.

4. The proposal to allow members to draw an advance of T. A. does not entail any extra expenditure.

Statement of objects and reasons

It has been noticed that certain provision of the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly Act 1964 require to be amended, in the light of experience of its working.

2. Under section 2(g)(1) the «period of residence on duty» has been *inter alia* defined so as to include a period of such residence not exceeding three days immediately succeeding the date on which the Assembly is adjourned *sine die* or for a period exceeding seven days. The definition does not cover a case where the Assembly is prorogued. This produces the anomalous result that immediately on prorogation members cease to be entitled to daily allowances though they would be entitled to it if the House was adjourned *sine die*.

3. As the time taken for preparing for the return journey is the same in either case, there is no valid reason why the members should cease to be entitled to this facility on prorogation. It is therefore proposed that para (i) of clause (g) of section 2 may be amended by inserting the words «is prorogue or» after the words «immediately succeeding the date on which the Assembly». As some payments were made to members even after prorogation due to failure to notice this distinction it is proposed to regularise it by giving retrospective effect to the amendment.

4. It has been noticed that there is no provision in the Act to grant an advance of travelling allowance to member of the Committees of Legislature when they go on tour in connection with their duties. Such advances become necessary when the committee has to go on tour to distant places and have already been granted in the past. In view of this it is necessary to amend the Act with retrospective effect to regularise such advances and to enable advances to be made in appropriate cases in future. Facilities for the grant of an advance of T. A. exist in both the neighbouring States of Maharashtra and Mysore.

5. This Bill therefore seeks to amend the Goa, Daman and Diu Salaries and Allowances of Members

of the Legislative Assembly Act, 1964 to give effect to these changes.

6. The Administrator has recommended the introduction and consideration of the Bill under section 23 of the Government of Union Territories Act 1963.

Panaji,
December 5, 1967

D. B. BANDODKAR
Chief Minister

ASSEMBLY HALL

R. L. SEGEL

Panaji,
December 6, 1967

Secretary to the Legislative Assembly
of Goa, Daman and Diu.

LA/2803/67

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

Prisons (Goa, Daman and Diu) Amendment Bill, 1967

(Bill No. 8 of 1967)

A Bill to amend the Prisons Act, 1894 in its application to the Union Territory of Goa, Daman and Diu to provide for the release of prisoners on parole and for certain matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Eighteenth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**— (1) This Act may be called the Prisons (Goa, Daman and Diu Amendment) Act, 1967.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. **Insertions of new sections 58-A and 58-B.**— After section 58 of the Prisons Act 1894 (Central Act IX of 1894) hereinafter referred to as the Principal Act, the following sections shall be inserted, namely:—

“58-A. Release of prisoners on parole.— The State Government or any authority empowered by it may release a prisoner on parole or furlough in accordance with such rules as may be made in this behalf”.

58-B. Surrender of prisoners on the expiry of the period of temporary release.— (i) Any prisoner released on parole or furlough shall surrender himself to the officer in charge of the prison from which he was released, on the expiry of the period of parole or furlough or at such earlier time as he may be directed by the State Government or any authority empowered by it in this behalf.

(ii) Any prisoner who does not surrender himself as required by sub-section (i) or fails to comply with any other conditions upon which he is released, may be arrested by any Police officer without a warrant and shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years or to a fine which may extend to Rs. 1000/- or both.

3. **Amendment of section 59.**— In section 59 of the Principal Act after sub-section 28 the following sub-sections shall be inserted, namely:—

“(29) for the release on parole or furlough and determining the conditions on which and the authority by which prisoners may be released on parole or furlough”.

“(30) All rules made under this section shall be laid on the table of the Legislative Assembly as soon as may be, after they are made and shall be subject to such modifications as the Assembly may make during the Session in which they are laid or the one immediately following.

Memorandum regarding delegated legislation

New Section 58-A and sub-section (29) to section 59 which clauses 2 and 3 of the Bill seek to insert in the Prisons Act, 1894, empower the State Government to frame rules for release of prisoners on parole or furlough. The delegation of legislative power is of a routine and normal character.

Statement of objects and reasons

The Prisons Act, 1894 as extended to the Union Territory of Goa, Daman and Diu does not contain some of the state Amendments which authorise the framing of rules for release of prisoners on parole. This fact had presented difficulty in 1966 when it was found that no provision for release of prisoners on parole was then in the Act. This difficulty was got over by issuing executive instructions. To put the measure on a statutory basis it is proposed to amend the Prisons Act, 1894 so as to empower the Government to frame rules for release of prisoners on parole.

The Administrator has recommended the introduction and consideration of the Bill under section 23 of the Government of the Union Territories Act 1963.

Panaji,
5th December, 1967

ANTHONY D'SOUZA
Minister for Law

ASSEMBLY HALL

R. L. SEGEL

Panaji,
December 6th, 1967

Secretary to the Legislative Assembly
of Goa, Daman and Diu.

LA/2805/67

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Registration of Births and Deaths (Amendment) Bill, 1967

(Bill No. 9 of 1967)

A Bill to amend the law relating to the registration of births and deaths. (The *Codigo do Registo Civil*, dated November 9, 1912).

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Eighteenth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Goa, Daman and Diu Registration of Births and Deaths (Amendment) Act, 1967.

(2) It shall come into force at once.

2. Definition. — In this Act, "Government" means the Government of Goa, Daman and Diu.

3. Power to compound offences. — (1) Notwithstanding anything to the contrary contained in the Codigo do Registo Civil or any other law in force in the Union Territory of Goa, Daman and Diu immediately before the 20th December, 1961, the Chief of Registers and Notary Services or any officer empowered in this behalf by Government may, either before or after the institution of proceedings against any person alleged to have committed the offence of failure to apply for the registration of any birth or death, compound the said offence on payment, by such person, of a sum of money being not less than five rupees and not more than fifty rupees as the Chief of Registers and Notary Services or the officer empowered in that behalf as the case may be may determine.

(2) Where any offence referred to in sub-section (1) has been compounded as provided therein, the birth or death, as the case may be, shall be registered and no proceedings in respect of the offence shall be instituted against the person alleged to have committed the offence; and where such proceedings have already been instituted, the same shall abate.

Memorandum regarding delegated legislation

Clause 3 of the Bill empowers the Chief of the Office of the Registers and Notary Services or any officer authorised by the Government to compound offence on payment of composition fees so that if an offence is compounded the birth or the death as the case may be will be registered. The delegation of legislative power is of a normal character.

Financial memorandum

Clause 3 of the Bill empowers the Government to authorise any officer to compound the offence of failure to apply for the registration of any birth or death on payment of the composition fees prescribed therein. There is already a department of Registers and Notary Services existing in this Union Territory for the work relating to the registration of birth and deaths. Any officer of the said department may be empowered by the Government for this purpose. This provision will not entail any financial liability on the contrary this provision of the Bill when enacted will fetch some income in the form of composition fees.

Statement of objects and reasons

The registration of births and deaths in this Union Territory is regulated by a pre-liberation Law i. e. the Codigo do Registo Civil, dated 9th November, 1912. According to this law births and deaths have to be registered within a period of 30 days and 9 days respectively. If registration is not effected within this period it can be done only if such registration is authorised by the Comarca Court after legal proceedings have been instituted by the concerned person. After the conclusion of these proceedings and on payment of fine, if any registration can be effected. This is a lengthy and time consuming process.

It is, therefore, proposed to amend the existing law to authorise the compounding of such offences,

so that a party who wants to effect registration beyond the time limit may compound the offence on payment of a composition fees being not less than Rs. 5/- and not more than Rs. 50/- as the chief of the office of the Registers and Notary Services or the officer empowered by the Government to compound the offences may determine. Once an offence is compounded, the birth or the death as the case may be, will be registered.

The Administrator has recommended the introduction and consideration of the Bill under section 23 of the Government of the Union Territories Act 1963.

Panaji,
5th December, 1967.

ANTHONY D'SOUZA
Minister for Law

ASSEMBLY HALL
Panaji,
December 6, 1967

R. L. SEGEL
Secretary to the Legislative Assembly
of Goa, Daman and Diu.

LA/2830/67

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Motor Vehicles Taxation (Amendment) Bill, 1967 (Bill No. 10 of 1967)

A Bill to amend certain provisions of the Goa, Daman and Diu Motor Vehicles Taxation Act, 1965.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu, in the 18th year of the Republic of India as follows:—

1. Short title and commencement. — (1) This Act may be called the Goa, Daman and Diu Motor Vehicles Taxation (Amendment) Act, 1967.

(2) It shall come into force at once.

2. Amendment of the Schedule of Taxation. — (1) In the schedule of taxation, hereinafter called the schedule appended to the Goa, Daman and Diu Motor Vehicles Taxation Act, 1965, for the existing entry (III) the following shall be substituted namely:—

(1) (a) For every 100 kgs. of registered laden weight or part thereof, in respect of non-mining vehicles

(i) driven on fuel other than diesel	Rupees 13.00
(ii) driven on diesel	Rupees 15.50

(b) Vehicles engaged in the mining works; — for every 100 kgs. registered laden weight or part thereof:—

(i) driven on fuel other than diesel	Rupees 6.50
(ii) driven on diesel	Rupees 7.75

(2) For the existing entry (V) of the schedule the following shall be substituted:—

«(V) Passenger vehicles:—

(a) up to 18 seats	Rupees	540.00
(b) for every additional seat over 18 seats	Rupees	30.00

Financial memorandum

With a view to augment the financial resources of this Administration, Government have decided to raise the rates of tax imposed on goods vehicles and passenger vehicles under the Goa, Daman and Diu Motor Vehicles Taxation Act, 1965.

The Bill does not entail additional expenditure as only the existing rates of Motor Vehicles Tax will be raised. The tax will be recovered by the existing machinery viz. the Directorate of Transport.

The anticipated annual additional revenue from the proposed enhanced tax will be in the vicinity of Rs. 10/- lakhs, (Rs. 8,81,280/- from increased rates of tax on goods vehicles and Rs. 1,11,000/- from the passenger vehicles).

Statement of objects and reasons

A tax on motor vehicles operating in this Union Territory is being levied w.e.f. 1/1/1965, under the provisions of the Goa, Daman and Diu Motor Vehicles Taxation Act 1965.

Under Section 3 of the said Act, Government has been empowered to levy tax not exceeding the rates specified in the Schedule appended to the Act. At present tax is being levied and collected at the maximum rates prescribed in the schedule.

The need for augmenting the financial resources of this Union Territory has been felt since long.

The Goa, Daman and Diu Motor Vehicles Taxation (Amendment) Bill 1967, seeks to achieve this object.

The Administrator has recommended the introduction and consideration of the Bill under Section 23 of the Government of Union Territories Act 1963.

Panaji,
5th December, 1967.

D. B. BANDODKAR
Chief Minister

ASSEMBLY HALL

Panaji,
7th December, 1967.

R. L. SEGEL
Secretary to the Legislative Assembly
of Goa, Daman and Diu

LA/2832/67

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Village Panchayats Regulation (Amendment) Bill, 1967

(Bill No. 12 of 1967)

A Bill to amend the Goa, Daman and Diu Village Panchayats Regulation, 1962.

Be it enacted by the Legislative Assembly of Goa,

Daman and Diu in the Eighteenth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Goa, Daman and Diu Village Panchayats Regulation (Amendment) Act, 1967.

2. **Amendment of section 2.**—In the Goa, Daman and Diu Village Panchayats Regulation, 1962 (hereinafter referred to as the Regulation), in section 2,—

Central Regulation 9 of 1962.

(i) after clause (c), the following clauses shall be inserted, namely:—

“(cc) “Collector” means the Collector of Goa, or the Collector of Daman, and includes the Civil Administrator, Diu;

(ccc) “Government” means the Government of the Union territory of Goa, Daman and Diu”;

(ii) after clause (n), the following clause shall be inserted, namely:—

(nn) “Union territory” means the Union territory of Goa, Daman and Diu”;

(iii) after clause (o), the following clause shall be inserted, namely:—

(p) “ward” means any of the wards into which the area within the jurisdiction of a Panchayat is divided under sub-section (3) of section 7”.

3. **Amendment of section 7.**—In section 7 of the Regulation,—

(1) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

“(3) The Collector or such subordinate Gazetted Officer of the Government as the Collector may authorise in this behalf, shall divide the area within the jurisdiction of each Panchayat into wards the number of which shall be equal to the number of members determined in respect of such Panchayat under sub-section (1).

(4) In every Panchayat one seat shall be reserved for women and the Lieutenant Governor shall from time to time by order specify the ward in which a seat is reserved for women in respect of a Panchayat but in so doing he shall ensure that such seat is reserved from time to time by rotation in different wards of a Panchayat.

(5) When there is no woman candidate at the election in the ward reserved for women, the candidates duly elected, or deemed under sub-section (8) to have been duly elected, from other wards shall co-opt as member a woman who is otherwise qualified to be elected as a member of the Panchayat.

(6) Nothing contained in this section shall be deemed to prevent women from standing for election and being elected to any of the seats which are not reserved for women.

(7) Notwithstanding anything contained in sub-section (1), when two-thirds of the total number of members required to be elected are elected, failure to elect the remaining members shall not affect the Constitution of the Panchayat”;

(2) Sub-section (5) shall be re-numbered as sub-section (8) and in that sub-section as so re-numbered, for the words, brackets and figures "sub-sections (3) and (4)", the words, brackets and figures "sub-sections (3) to (5)", and for the words "an election does not result", the words "the elections do not result", shall be substituted.

4. Substitution of new section for section 10. — For section 10 of the Regulation, the following section shall be substituted, namely: —

"10. (1) (a) Every person, whose name is in the electoral roll referred to in section 13 for the wards in a Panchayat shall, unless disqualified for being chosen as a member of a Panchayat under this Regulation or under any other law, be qualified to be elected from any ward in that Panchayat.

Qualification for membership.

(b) No person whose name is not in the electoral roll aforesaid shall be qualified to be elected from any ward in the Panchayat.

(2) Subject to any disqualification incurred by a person, the electoral roll shall be conclusive evidence for the purpose of determining whether any person is, or is not, qualified to be elected to any election to a Panchayat".

5. Substitution of new sections for sections 13 and 14. — For sections 13 and 14 of the Regulation, the following sections shall be substituted, namely: —

"13. (1) The persons entitled to vote at election of members of a Panchayat shall be the persons entitled, by virtue of the provisions of the Constitution and the Representation of the People Act, 1950, to be registered as voters at elections to the Legislative Assembly of Goa, Daman and Diu.

Electors and electoral roll.

Central Act 43 of 1950.

(2) So much of the electoral roll for any constituency for the Legislative Assembly of Goa, Daman and Diu for the time being in force as relates to the area comprised within a ward formed under sub-section (3) of section 7 shall be deemed to be the electoral roll for that ward for the purposes of this Act.

14. Every person whose name is, for the time being, entered in the electoral roll of a ward as an elector shall be entitled to vote at the election of a member of the Panchayat from that ward; and every such person shall be entitled to one vote and shall not be entitled to vote in more than one ward".

Right to vote.

6. Substitution of new sections for section 15. — For section 15 of the Regulation, the following sections shall be substituted, namely: —

"15. The election of members from wards of a Panchayat shall be held in accordance with such rules as may be prescribed on such date or dates

Election of members.

as the Lieutenant Governor may by notification direct:

Provided that a casual vacancy in a ward shall be filled as soon as may be after the occurrence of a vacancy:

Provided further that no election to a ward or wards of a Panchayats shall be held to fill up a casual vacancy occurring within three months prior to the general election for a Panchayat under this section.

15A. The provisions of sections 126, 127, 127A, 128, 129, 130, 131, 132, 134, 135 and 136 of the Representation of the People Act, 1951 shall have effect as if —

Electoral offences.

Central Act 43 of 1951.

(a) reference therein to an election were reference to an election under this Act;

(b) references therein to a constituency included references to the area within the jurisdiction of a Panchayat or a ward thereof; and

(c) in sections 134 and 136, for the words "by or under this Act", the words and figures "by or under the Goa, Daman and Diu Village Panchayats Regulation, 1962" had been substituted".

7. Amendment of section 21. — In section 21 of the Regulation, after sub-section (4), the following sub-sections shall be inserted, namely: —

"(5) Notwithstanding anything contained in sub-section (1), the term of office of the members of every Panchayat existing at the commencement of the Goa, Daman and Diu Village Panchayats Regulation (Amendment) Act, 1967, shall be extended up to and inclusive of the 29th day of February, 1968, or such earlier date as the Lieutenant Governor may, by notification in the Official Gazette, specify.

(6) Notwithstanding anything contained in sub-sections (1) to (3) —

(a) a member elected to fill a casual vacancy shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred;

(b) the term of office of Chairman and other members of a Panchayat to which elections are held on a date other than the date fixed for general election of the Panchayats in the Union territory shall be co-terminus with the term of office of Chairman and other members of other Panchayats elected at the preceding general elections to Panchayats in the said Union territory".

8. Insertion of new sections 69 to 73. — After section 68 of the Regulation the following sections shall be added, namely: —

"69. (1) If it appears to the Collector that in connection with the general elections to Panchayats to be held under this Regulation, any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport

Requisitioning of vehicles, etc., for purposes of general elections to Panchayats.

of members of the Police force for maintaining order during the conduct of such elections, or transport of any officer or other person for performance of any duties in connection with any such election, the Collector may, by order in writing, requisition such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this clause until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Collector to be the owner or person in possession of the vehicle, vessel or animal and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any vehicle, vessel or animal is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which the same is required for any of the purposes mentioned in that sub-section.

70. Whenever in pursuance of sub-section (1) of section 69, the Collector requisitions any vehicle, vessel or animal, there shall be paid to the owner thereof out of the Consolidated Fund of the Union Territory, compensation the amount of which shall be determined by the Collector on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Payment of compensation.

Provided that where the owner of such vehicle, vessel or animal, being aggrieved by the amount of compensation so determined, makes an application within a fortnight from the date of release of such vehicle, vessel or animal to the Government, the amount of compensation to be paid shall be such as the Government may determine:

Provided further that where immediately before the requisitioning, the vehicle or vessel was, by virtue of a hirepurchase agreement in the possession of a person other than the owner, the amount determined under this section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as the Collector or the Government may decide.

71. The Collector may, with a view to requisitioning any vehicle, vessel or animal under section 69 or determining the amount of compensation payable under section 70, by order require any person to furnish to such officer or authority as may be specified in the order such information

Power to obtain information.

in his possession relating to such vehicle, vessel or animal as may be so specified.

72. (1) Any person authorised in this behalf by the Collector may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 69 should be made in relation to such premises, vehicle, vessel or animal, or with a view to securing compliance with any order made under that section.

Power of entry and inspection.

(2) In this section —

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

73. If any person contravenes any order made under section 69 or section 71, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both".

Penalty for contravention of orders regarding requisitioning.

Memorandum regarding delegated legislation

New sub-section (3) of section 7 which sub-clause (1) to clause 3 of the Bill seeks to substitute for the existing sub-section (3) of section 7 of the Goa, Daman and Diu Village Panchayat Regulation, 1962, empowers the Collector or such subordinate Gazetted officer of the Government to divide the area within the jurisdiction of each Panchayat into wards and new sub-section (1) to section 69, which clause 8 of the bill seeks to add to the existing Panchayat Regulation, empowers the Collector to make requisition of vehicles etc. for purpose general election to Panchayat. The delegation of legislation powers is of normal character.

Financial memorandum

New section 70, which clause 8 of the bill seeks to add to the existing provision of the Goa, Daman and Diu Village Panchayat Regulation 1962, provides for the payment of compensation for the vehicles etc., requisitioned for purpose of general election to Panchayat out of the consolidated fund of the Union Territory. The expenditure likely on this account would be about Rs. 10,000/- for each general election to the Village Panchayats.

Statement of objects and reasons

The first Village Panchayat elections in this Union Territory were held in 1962 in accordance with the provisions of Goa, Daman and Diu Panchayat Regulation, 1962. According to the said Regulation, the voting was done by ballot system, election of the members of the Panchayat was held for the entire Village Panchayat area as one unit and the electoral rolls were specifically prepared for the Village Panchayat elections. In the rest of the country, the Panchayat elections are conducted by

way of ward-system and each ward elects a member of the Panchayat. Generally one seat in a Panchayat is reserved for women. The election is also held by marking system. The electoral rolls prepared for the assembly elections are generally used for the preparation for the electoral rolls for Panchayat election.

For the purpose of conducting the elections of the Panchayat in this Territory on the aforesaid lines of the system prevailing in the rest of the country, it has been felt necessary to amend the relevant sections of the Goa, Daman and Diu Village Panchayat Regulation 1962. As the existing provisions of the said village Panchayat Regulations do not provide for the punishment of persons

involved in electoral offences and for the requisiting of vehicle, etc. for the purpose of general election to Panchayat, it is also proposed to add section 15A and sections 69 onwards to the said Regulation.

Panaji,
December 7, 1967.

A. K. S. USGAONKAR
Minister of State

ASSEMBLY HALL

Panaji,
7th December, 1967.

R. L. SEGEL
Secretary to the Legislative Assembly
of Goa, Daman and Diu